

### **REMARKS**

Claims 1, 2 and 5-13 are pending in the application (claims 3-4 having been previously cancelled). Claims 1, 5, 9 and 10 are amended, claims 11-13 are canceled without prejudice or disclaimer, and claims 14-27 are added herein.

Claims 1 and 5 are independent.

Claims 11- 13 stand restricted and withdrawn, and are cancelled in view of the restriction requirement.

Claims 1, 5 and 10 stand objected to on informality grounds, and are amended along the lines suggested in the Official Action to address the noted concerns.

Claims 1, 2, and 5-10 stand rejected under 35 U.S.C. §102(e) as anticipated by newly cited and applied Muir et al. (US. Patent Application Publication No. 2005/0192090, U.S. PCT filed October 29, 2002).

#### **Independent Claim 1**

##### **The Shielding Control Device**

Claim 1, as amended herein, requires a shielding control device for controlling the shielding device under control of the CPU to be in either state that a player can see the symbols or a state that the player cannot see the symbols in accordance with a stopping order (rather than so that a stopping order is indicated, as previously recited), by controlling the shielding device such that (i) a display area of the reel that is to be stopped is in the state that the player can see the symbols on the reel and (ii) display areas of other reels that are not to be stopped are in the state that the player can not see the symbols on those reels.

In addressing this element of claim 1, the Official Action states “f) a shielding control device for controlling the shielding device under control of the CPU (paragraph 0063 discusses that upon application of appropriate energy levels, the zones 78 of the shutter 76 are rendered opaque or transparent and where the shielding control device is considered the processor 42; additionally the remainder of limitation (e) is considered functional language, thus, the Applicant is directed to MPEP 2114 that discusses functional language within an apparatus claim, where it has been held that an apparatus claim must be structurally distinguishable from the prior art. A claim containing a

recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus if the prior art apparatus teaches all of the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 [Board of Patent Appeals & Interferences, 19873]".  
(emphasis added)

The Patent Law itself explicitly authorizes the claiming of an apparatus based on its functional limitations. Indeed, under 35 USC §112 (6<sup>th</sup> paragraph), an apparatus can be patented by reciting functional limitations of the applicable structure without reciting the structures required to perform the recited functions (although such structures must of course be described in the specification).

As explicitly recognized in MPEP 2173.01 "[a] fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as \*\*>any special meaning assigned to a term is clearly set forth in the specification. See MPEP § 2111.01< Applicant may use functional language...or any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought. As noted by the court in *In re Swinehart*, 439 F.2d 210, 160 USPQ 226 (CCPA 1971), a claim may not be rejected solely because of the type of language used to define the subject matter for which patent protection is sought."

According to MPEP 2173.05(g) "[a] functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. A functional limitation is often used in association with an element, ingredient, or step of a process to define a particular capability or purpose that is served by the recited element, ingredient or step..."

MPEP 2114 itself also explicitly recognizes that features of an apparatus "may be recited either structurally or functionally" and that "[e]ven if the prior art device performs all the functions recited in the claim, the prior art cannot anticipate the claim if there is any structural difference", noting however "that means plus function limitations are met

by structures which are equivalent to the corresponding structures recited in the specification.”

In the present application the claim 1 recital set forth above, recites a structural component (i.e. a shielding control device) defined by its function. That is, the required “controlling [of] the shielding device ... to be in either state that a player can see the symbols or a state that the player cannot see the symbols in accordance with a stopping order, by controlling the shielding device such that (i) a display area of the reel that is to be stopped is in the state that the player can see the symbols on the reel and (ii) display areas of other reels that are not to be stopped are in the state that the player can not see the symbols on those reels” is a functional limitation on the capability of the shielding control device.

Thus, what claim 1 requires, and what those skilled in the art would clearly recognize claim 1 to require, is a shielding control device capable of controlling, in accordance with a stopping order of the reels, the shielding device to be in either (i) a state that a player can see the symbols on a particular reel if that reel is to be stopped in accordance with the stopping order of the reels, or (ii) a state that the player cannot see the symbols on a particular reel if that reel is not to be stopped in accordance with the stopping order of the reels.

As understood, the Official Action acknowledges that this functional limitation on the shielding control device of claim 1 has not been considered. However, as discussed above, this functional limitation cannot properly be ignored. Furthermore, it is respectfully also submitted that Muir, while disclosing a shielding control device capable of controlling the shielding device, lacks any teaching or suggestion that such control should or could be performed in accordance with a stopping order of the reels, or of the benefits obtained by doing so. Accordingly, Muir lacks the required shielding control device, and therefore does not and cannot anticipate claim 1.

#### The Illumination Devices and Illuminating Control Device

Claim 1 is also amended herein to recite a plurality of illumination devices, each of which illuminates the variable display device and is provided at the back of the variable display device, and an illuminating control device for controlling each of the

plurality of illumination devices. These features are, for example, described on page 29, line 12, through page 13, line 5, with reference to Figure 7. It is respectfully submitted that Muir lacks any teaching or suggestion of illumination devices that illuminate the variable display device and are provided at the back of the variable display device, and therefore also necessarily lacks the required illuminating control device for controlling such illumination devices.

More particularly, the gaming machine disclosed by Muir does not disclose illumination devices, such as a reel back lamp configuration, that are provided at the back of the variable display device to visually intensify the display of symbols on reels of the variable display device, and because of this also necessarily lacks a control device to control such illumination devices, such as by controlling the blinking of a reel back lamp. Rather, in the gaming machine disclosed in Muir, the illumination devices (i.e. the reel lamp configuration, which Muir characterizes as backlighting arrangement 82), is disposed in front of the variable display device having the reels. In such a configuration, the reels receive light from the front, resulting in visual shielding of the symbols due to reflected light from the reels. The effect of this is that visual intensification of the display of the symbols is not attained.

On the other hand, the gaming machine according to the present invention is provided with illuminating control device, such as a reel back lamp control device, for enabling the independent control of each of the illumination devices reel, e.g. by independently controlling the blinking of each reel back lamp. In addition, an illumination device, such as a lamp, is preferably provided for each symbol being displayed on each reel so as to illuminate all the symbols being displayed. Also, a lamp housing is preferably provided in each symbol region to prevent light interference from other symbol regions.

For example, according to the configuration of the gaming machine of the present invention, the blinking of each of multiple reel back lamps can be independently controlled respective to the symbols displayed on an active line, and different blinking modes can be provided for each internal winning pattern. Thus, an attraction display can be executed when a winning flag is established so that the prize symbol to be

targeted by the player is suggested to that player via the display. Accordingly, a gaming machine can be provided with which a large amount of coins can be paid out after the gaming machine goes into a special game state that is advantageous to a player, with notification of the special state being provided to the player by the control of the illumination devices, and thereby enabling the game to be carried out agreeably.

Thus, the present invention overcomes the deficiency in Muir's illumination devices, with illumination devices (e.g. a reel back lamp configuration) that are disposed behind the variable display device and therefore also behind the reels of the variable display device, and that can illuminate the symbols being displayed. Preferably, the symbols are printed on the surface of each of the reels with light transmitting inks. Regions on the surface of the reel, other than those having symbols, are preferably masked with light shielding inks. Accordingly, each of the symbols on the reels can be displayed more intensely without producing reflected light from the reels.

Thus, it is respectfully submitted that the illumination devices and illuminating control device further distinguish over the applied prior art.

### **Independent Claim 5**

#### The Shielding Control Device

Claim 5, as amended herein, requires a shielding control device which controls the shutter during the special gaming state such that the portion of the symbols is shielded or shown through the panel based on a stopping order (rather than so that a stopping order is indicated, as previously recited) by controlling the shutter such that a display area of the reel having the portion of symbols (i) is not shielded if the reel is to be stopped and (ii) is shielded if the reel is not to be stopped.

As discussed above with respect to claim 1, it is respectfully submitted that Muir lacks the required shielding control device, and therefore does not and cannot anticipate claim 5.

#### The Illumination Devices and Illuminating Control Device

Additionally, claim 5 is amended to recite a plurality of illumination devices which illuminate the variable display device and are provided at the back of the variable display device, and an illuminating control device for controlling the plurality of

illumination devices.

As discussed above with respect to claim 1, it is respectfully submitted that Muir lacks the required illumination devices and illuminating control device now required by claim 5.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No.1227.43065X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,  
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